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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANNER TORRES,

Petitioner,

-against-

CHRISTOPHER MILLER,

Respondent.

21-CV-5809 (RA) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On August 13, 2021, this action was stayed pending determination of petitioner's CPL § 440.10 motion, made on April 28, 2021 in New York state court, to vacate the judgment against him. (Dkt. 12.) On March 9, 2022, petitioner's § 440.10 motion was denied. (Dkt. 14.) On July 26, 2022, respondent reported that on July 12, 2022, the Appellate Division denied petitioner's application for leave to appeal his § 440.10 motion. (Dkt. 17.) Thus, "the claims raised in petitioner's CPL § 440.10 motion [were] vacated." (*Id.*) Thereafter, respondent filed his response, and related papers, to the habeas petition in this action (Dkts. 22-35), and petitioner filed a reply (Dkt. 36).

It has recently come to the Court's attention that the stay of this action issued at Dkt. 12 was never formally lifted. Accordingly, the Court now VACATES the stay imposed on August 13, 2021.

Dated: New York, New York
May 20, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge